

# HOUSE . . . . . No. 1083

By Mr. Linsky of Natick, petition of David Paul Linsky and others relative to access to report cards and other school records by parents and guardians. Education.

## The Commonwealth of Massachusetts

### PETITION OF:

David Paul Linsky	Cory Atkins
Susan C. Fargo	Karen E. Spilka
Ruth B. Balser	

In the Year Two Thousand and Five.

AN ACT TO ALLOW FAIR ACCESS TO REPORT CARDS AND OTHER SCHOOL RECORDS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 71 of the General Laws is hereby amended by striking  
2 out section 34H, as appearing in the 1998 Official Edition, and  
3 inserting in place thereof the following section:—  
4 Section 34H. (a) Each public elementary and secondary school  
5 shall provide the following information in a timely and appro-  
6 priate manner to the parent of a child enrolled in the school if the  
7 parent is eligible for information pursuant to this section and sub-  
8 mits to the school in completed form the sworn statement set forth  
9 at the end of this section: report cards and progress reports, the  
10 results of intelligence and achievement tests; notification of a  
11 referral for a special needs assessment; notification of enrollment  
12 in a transitional bilingual program; notification of absences; noti-  
13 fication of illnesses; notification of any detentions, suspensions or  
14 expulsion, and notification of permanent withdrawal from school.  
15 Each school shall also make reasonable efforts to ensure that other  
16 written information that is provided to the custodial parent but not  
17 specified in the preceding sentence be provided to the requesting  
18 parent if that parent is eligible for information pursuant to this

19 section and submits to the school in completed form the sworn  
20 statement set forth at the end of this section. All address and tele-  
21 phone number information shall be removed from information  
22 provided pursuant to this section. Receipt of this information shall  
23 not mandate participation in any proceeding to which notification  
24 pertains nor shall it authorize participation in proceedings and  
25 decisions regarding the child's welfare which are not granted  
26 through the award of custody. For purposes of this section, any  
27 parent who does not have physical custody of a child shall be eli-  
28 gible for the receipt of information pursuant to the procedures of  
29 this section unless said parent has been denied legal custody of the  
30 child based on a threat to the safety of the child or to the custodial  
31 parent, or who has been denied visitation, or who has been  
32 ordered to supervised visitation, or whose access to their child or  
33 to the custodial parent has been restricted by a temporary or per-  
34 manent protective order unless said protective order, or any subse-  
35 quent order which modifies said protective order, specifically  
36 allows access to the information described in this section.

37 (b) Upon receipt of the completed sworn statement the school  
38 shall promptly forward copies of the statement to the custodial  
39 parent and the register of the probate and family court identified  
40 on the statement. The register shall enter the statement on the  
41 docket.

42 (c) At any time the principal of a school is presented with an  
43 order of a probate and family court judge which prohibits the dis-  
44 tribution of information pursuant to this section the school shall  
45 immediately cease to provide said information and shall notify the  
46 requesting parent that the distribution of information shall cease.

47 (d) The principal of each public elementary and secondary  
48 school shall designate a staff member whose duties shall include  
49 the proper implementation of this section.

50 (e) Requests for information made pursuant to this section  
51 which are made while a permanent protective order restricting  
52 access to the custodial parent or to any child in the custodial par-  
53 ent's custody is in effect shall constitute a violation of said protec-  
54 tive order and be subject to the applicable penalties.

55 (f) The department of education shall promulgate regulations to  
56 implement the provisions of this section. Said regulations shall  
57 include provisions which assure that the information referred to in

58 this section is properly marked to indicate that said information  
59 may not be used to support admission of the child to another  
60 school.

61 (g) Each public school shall have available in the office of the  
62 principal or headmaster blank copies of the sworn statement and  
63 shall provide copies to any parent who requests them.

64 (h) The sworn statement referenced in this section shall be in  
65 substantially the following form:

66 **SWORN STATEMENT AS TO ENTITLEMENT TO**  
67 **EDUCATIONAL INFORMATION AND RECORDS**

68  
69 Probate & Family Court

70 \_\_\_\_\_ Docket No. \_\_\_\_\_

71 (County) v.

72 \_\_\_\_\_  
73 (full name of plaintiff) (full name of plaintiff)

74 I, (full name) state the following under the pains and penalties of  
75 perjury:

76 1. Current custody status is pursuant to (check Temporary Order  
77 or Judgment, whichever applies, and fill in date of Temporary  
78 Order or Judgment):

79 \_\_\_ Temporary Order dated: \_\_\_\_\_ (month/date/year)

80 \_\_\_ Judgment dated: \_\_\_\_\_ (month/date/year)

81 2. The full names of all children included within the above Tem-  
82 porary Order or Judgment are:

83 \_\_\_\_\_

84 \_\_\_\_\_

85 3. The custody arrangements established by the above Tempo-  
86 rary Order or Judgment are that the other party has sole physical  
87 custody of the above children and that (check whichever  
88 applies):

89 \_\_\_ I share legal custody of the above children.

90 \_\_\_ The other party has sole legal custody of the above children.

91 4. (COMPLETE NO. 4 ONLY IF THE OTHER PARTY HAS  
92 SOLE LEGAL CUSTODY)

93 The following are true (check off each which is true):

94 \_\_\_ I have not been denied legal custody of the child(ren) based  
95 on a threat to the child(ren) or to the custodial parent.

96 \_\_\_\_ I have not been denied visitation by the Court.

97 \_\_\_\_ I have not been restricted to supervised visitation by the  
98 Court.

99 \_\_\_\_ My access to the child(ren) or to the custodial parent has not  
100 been restricted by a temporary or permanent protective order  
101 unless said protective order, or any subsequent order which mod-  
102 ifies said protective order, specifically allows access to informa-  
103 tion regarding the children's education.

104 \_\_\_\_\_  
105 Date

106 \_\_\_\_\_  
107 Signature

108 \_\_\_\_\_  
109 Full Name

110 \_\_\_\_\_  
111 Street Address

112 \_\_\_\_\_  
113 City, State, Zip Code

114 \_\_\_\_\_  
115 Area Code, Telephone Number